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BY ECF

Honorable Denise L. Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

August 13, 2020

US v. Benzion Zirkind 19 CR 00463(DLC)

Hon. Denise L. Cote:

In response to the Court's question as to whether the defendant wants to proceed via video teleconference or audio only telephone conference our preference is to proceed simply by audio only.

I have advised my client of his right to make an in-person appearance and he waives that right by the enclosed form E-signed by counsel with his permission.

We await the Court's direction as to the call-in number for 10am, August 13, 2020.

Respectfully,

/s/Matthew D. Myers
Counsel for Benzion Zirkind

Enclosure: Waiver form

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-v-

BENZION ZIRKIND,
Defendant.
-----X

**WAIVER OF RIGHT TO BE PRESENT AT
CRIMINAL PROCEEDING**

19-CR-463(DLC)

Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date:

/s/ Benzion Zirkind
Signature of Defendant

Benzion Zirkind
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date:

M. Myers
Signature of Defense Counsel

Matthew Myers
Print Name